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Attorneys for Defendants and Counterclaimants
 STRYKER CORPORATION AND STRYKER
 COMMUNICATIONS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

KARL STORZ ENDOSCOPY-AMERICA, INC.,

Plaintiff,

vs.

STRYKER CORPORATION and STRYKER
COMMUNICATIONS, INC.,

Defendants.

AND RELATED COUNTERCLAIMS

Case No. C 09-0355 (VRW)

**STIPULATION AND ~~PROPOSED~~
 ORDER EXTENDING DEADLINES**

[Civ. L.R. 6-2 & 7-12]

Honorable Vaughn R. Walker

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Karl Storz Endoscopy-America, Inc. (“KSEA”) and Defendants Stryker Corporation and Stryker Communications, Inc. (collectively, “Stryker”), through their respective counsel of record, hereby stipulate to and jointly request the Court as follows:

1. By Order dated May 14, 2009 (Doc # 96-1), the Court entered an initial case management order. That order included the following schedule of deadlines and hearings:

Claim construction hearing	March 17, 2010
Fact discovery deadline	July 16, 2010
Deadline to disclose expert witnesses	July 16, 2010
Deadline to serve expert report(s) for which a party bears the burden of proof	August 20, 2010
Deadline to serve rebuttal expert reports	October 15, 2010
Expert discovery deadline	December 17, 2010
Deadline to file dispositive motions	January 21, 2011
Hearings on dispositive motions	April 21, 2011 (pending court availability)

Thus, the Court originally arranged the case schedule such that the close of fact discovery and the deadline to disclose expert witnesses would occur approximately four months after the claim construction hearing.

2. Due to the Court's unavailability, and pursuant to stipulation of the parties, the Court ordered on February 1, 2010 (Doc #186) that the claim construction hearing be continued from March 17, 2010 until June 23, 2010. Per the Order, Stryker's Motion for Summary Judgment of Non-Infringement, KSEA's Cross Motion for Partial Summary Judgment of Infringement, and KSEA's Rule 56(f) Motion to Allow Time for Necessary Discovery in Light of Pending Motion for Summary Judgment were also scheduled to be heard on June 23, 2010.

3. In order to maintain the originally intended amount of time between the claim

construction hearing and the subsequent deadlines, the parties sought a continuation of those deadlines. Thus, by Order dated May 24, 2010 (Doc # 217), the Court set the following schedule pursuant to stipulation of the parties:

Fact discovery deadline	October 14, 2010
Deadline to disclose expert witnesses	October 14, 2010
Deadline to serve expert report(s) for which a party bears the burden of proof	November 18, 2010
Deadline to serve rebuttal expert reports	January 13, 2011
Expert discovery deadline	March 17, 2011
Deadline to file dispositive motions	May 26, 2011
Hearings on dispositive motions	July 7, 2011 (pending court availability)

4. By Clerk's Notice on June 2, 2010 (Doc # 218), the Court notified the parties that the claim construction (and summary judgment and Rule 56(f)) hearing would be continued from June 23, 2010 to September 1, 2010.

5. Despite the diligent efforts of the parties, the parties believe that additional time will be needed to fully and fairly conduct discovery. The new hearing date of September 1, 2010 provides only a narrow window of time between the claim construction (and summary judgment and Rule 56(f)) hearing and the close of fact discovery on October 14, 2010. Moreover, counsel for KSEA has recently discovered the existence of a large number of documents that are responsive to Stryker's discovery requests but have not yet been produced. KSEA has had difficulties procuring many of these documents, which are in the custody of overseas entities. The parties have had to postpone related discovery as a result, including the depositions of three individuals listed as inventors on the patents-in-suit.

6. To preserve approximately the original time interval between the claim construction hearing and the close of fact discovery (and the original time intervals between the other, subsequent

deadlines), and in light of KSEA's need for additional time to obtain and produce the documents noted above, the parties propose the following modifications to the schedule (which extend the current dates by approximately ninety days):

Fact discovery deadline	January 12, 2011
Deadline to disclose expert witnesses	January 12, 2011
Deadline to serve expert report(s) for which a party bears the burden of proof	February 16, 2011
Deadline to serve rebuttal expert reports	April 13, 2011
Expert discovery deadline	June 15, 2011
Deadline to file dispositive motions	August 24, 2011
Hearings on dispositive motions	October 6, 2011 (pending court availability)

7. Pursuant to Civil L.R. 6-2(a)(1)-(3), this stipulated request is accompanied by the Declaration of William R. Overend setting forth (a) the reasons for the requested rescheduling; (b) all previous time modifications in the case; and (c) the effect of the requested rescheduling.

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1 IT IS SO STIPULATED.

2
3 Respectfully submitted,

4 Dated: August 17, 2010.

REED SMITH LLP

5
6 By /s/ William R. Overend

William R. Overend

7 Attorneys for Defendants

Stryker Corporation and Stryker Communications, Inc.

8 Dated: August 17, 2010. BECK, ROSS, BISMONTE & FINLEY, LLP

9
10 By /s/ Alfredo A. Bismonte

Alfredo A. Bismonte

11 Attorneys for Plaintiff

12 Karl Storz Endoscopy-America, Inc.

13 **CERTIFICATION**

14 I hereby attest that concurrence in the filing of this document has been obtained by the above
15 named signatories.

16
17 DATED: August 17, 2010.

18 REED SMITH LLP

19
20 By /s/ William R. Overend

William R. Overend

21 Attorneys for Defendants

22 Stryker Corporation and Stryker Communications,
23 Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 9, 2010

Honorable Vaughn Walker
United States District Judge



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